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61-2f-204 Licensing fees and procedures -- Renewal fees and procedures.

- (1)
- (a) Upon filing an application for an examination for a license under this chapter, the applicant shall pay a nonrefundable fee established in accordance with Section 63J-1-504 for admission to the examination.
 - (b) An applicant for a principal broker, associate broker, or sales agent license shall pay a nonrefundable fee as determined by the commission with the concurrence of the division under Section 63J-1-504 for issuance of an initial license or license renewal.
 - (c) A license issued under this Subsection (1) shall be issued for a period of not less than two years as determined by the division with the concurrence of the commission.
 - (d)
 - (i) Any of the following applicants shall comply with this Subsection (1)(d):
 - (A) a new sales agent applicant;
 - (B) a principal broker applicant; or
 - (C) an associate broker applicant.
 - (ii) An applicant described in this Subsection (1)(d) shall:
 - (A) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and
 - (B) consent to a criminal background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
 - (iii) The division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check for each applicant described in this Subsection (1)(d) through the national criminal history system or any successor system.
 - (iv) The applicant shall pay the cost of the criminal background check and the fingerprinting.
 - (v) Money paid to the division by an applicant for the cost of the criminal background check is nonlapsing.
 - (e)
 - (i) A license issued under Subsection (1)(d) is conditional, pending completion of the criminal background check.
 - (ii) A license is immediately and automatically revoked if the criminal background check discloses the applicant fails to accurately disclose a criminal history involving:
 - (A) the real estate industry; or
 - (B) a felony conviction on the basis of an allegation of fraud, misrepresentation, or deceit.
 - (iii) If a criminal background check discloses that an applicant fails to accurately disclose a criminal history other than one described in Subsection (1)(e)(ii), the division:
 - (A) shall review the application; and
 - (B) in accordance with rules made by the division pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may:
 - (I) place a condition on a license;
 - (II) place a restriction on a license;
 - (III) revoke a license; or
 - (IV) refer the application to the commission for a decision.
 - (iv) A person whose conditional license is automatically revoked under Subsection (1)(e)(ii) or whose license is conditioned, restricted, or revoked under Subsection (1)(e)(iii) may have a hearing after the action is taken to challenge the action. The hearing shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

- (v) The director shall designate one of the following to act as the presiding officer in a hearing described in Subsection (1)(e)(iv):
 - (A) the division; or
 - (B) the division with the concurrence of the commission.
 - (vi) The decision on whether relief from an action under this Subsection (1)(e) will be granted shall be made by the presiding officer.
 - (vii) Relief from an automatic revocation under Subsection (1)(e)(ii) may be granted only if:
 - (A) the criminal history upon which the division based the revocation:
 - (I) did not occur; or
 - (II) is the criminal history of another person;
 - (B)
 - (I) the revocation is based on a failure to accurately disclose a criminal history; and
 - (II) the applicant has a reasonable good faith belief at the time of application that there was no criminal history to be disclosed; or
 - (C) the division fails to follow the prescribed procedure for the revocation.
 - (viii) If a license is revoked or a revocation under this Subsection (1)(e) is upheld after a hearing, the individual may not apply for a new license until at least 12 months after the day on which the license is revoked.
- (2)
- (a)
 - (i) A license expires if it is not renewed on or before its expiration date.
 - (ii) As a condition of renewal, an active licensee shall demonstrate competence by completing 18 hours of continuing education within a two-year renewal period subject to rules made by the commission, with the concurrence of the division.
 - (iii) In making a rule described in Subsection (2)(c)(ii), the division and commission shall consider:
 - (A) evaluating continuing education on the basis of competency, rather than course time;
 - (B) allowing completion of courses in a significant variety of topic areas that the division and commission determine are valuable in assisting an individual licensed under this chapter to increase the individual's competency; and
 - (C) allowing completion of courses that will increase a licensee's professional competency in the area of practice of the licensee.
 - (iv) The division may award credit to a licensee for a continuing education requirement of this Subsection (2)(a) for a reasonable period of time upon a finding of reasonable cause, including:
 - (A) military service; or
 - (B) if an individual is elected or appointed to government service, the individual's government service during which the individual spends a substantial time addressing real estate issues subject to conditions established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) For a period of 30 days after the day on which a license expires, the license may be reinstated:
 - (i) if the applicant's license was inactive on the day on which the applicant's license expired, upon payment of a renewal fee and a late fee determined by the commission with the concurrence of the division under Section 63J-1-504; or
 - (ii) if the applicant's license was active on the day on which the applicant's license expired, upon payment of a renewal fee and a late fee determined by the commission with the

- concurrence of the division under Section 63J-1-504, and providing proof acceptable to the division and the commission of the licensee having:
 - (A) completed the hours of education required by Subsection (2)(a); or
 - (B) demonstrated competence as required under Subsection (2)(a).
- (c) After the 30-day period described in Subsection (2)(b), and until six months after the day on which an active or inactive license expires, the license may be reinstated by:
 - (i) paying a renewal fee and a late fee determined by the commission with the concurrence of the division under Section 63J-1-504;
 - (ii) providing to the division proof of satisfactory completion of six hours of continuing education:
 - (A) in addition to the requirements for a timely renewal; and
 - (B) on a subject determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) providing proof acceptable to the division and the commission of the licensee having:
 - (A) completed the hours of education required under Subsection (2)(a); or
 - (B) demonstrated competence as required under Subsection (2)(a).
- (d) After the six-month period described in Subsection (2)(c), and until one year after the day on which an active or inactive license expires, the license may be reinstated by:
 - (i) paying a renewal fee and a late fee determined by the commission with the concurrence of the division under Section 63J-1-504;
 - (ii) providing to the division proof of satisfactory completion of 24 hours of continuing education:
 - (A) in addition to the requirements for a timely renewal; and
 - (B) on a subject determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) providing proof acceptable to the division and the commission of the licensee having:
 - (A) completed the hours of education required by Subsection (2)(a); or
 - (B) demonstrated competence as required under Subsection (2)(a).
- (e) The division shall relicense a person who does not renew that person's license within one year as prescribed for an original application.
- (f) Notwithstanding Subsection (2)(a), the division may extend the term of a license that would expire under Subsection (2)(a) except for the extension if:
 - (i)
 - (A) the person complies with the requirements of this section to renew the license; and
 - (B) the renewal application remains pending at the time of the extension; or
 - (ii) at the time of the extension, there is pending a disciplinary action under this chapter.
- (3)
 - (a) As a condition for the activation of an inactive license that was in an inactive status at the time of the licensee's most recent renewal, the licensee shall supply the division with proof of:
 - (i) successful completion of the respective sales agent or principal broker licensing examination within six months before applying to activate the license; or
 - (ii) the successful completion of the hours of continuing education that the licensee would have been required to complete under Subsection (2)(a) if the license had been on active status at the time of the licensee's most recent renewal.
 - (b) The commission may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish by rule:
 - (i) the nature or type of continuing education required for reactivation of a license; and
 - (ii) how long before reactivation the continuing education must be completed.